

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
SHELBY DIVISION

IN RE: NORRIS GENE WRIGHT)	
SHERRY LYNN WRIGHT)	Bankruptcy Case No:
)	16-40199
Debtors)	
SSN: xxx-xx-3799)	Chapter 13
SSN: xxx-xx-7629)	
)	

MOTION TO IMPOSE AUTOMATIC STAY

NOW COME the above named Debtors, Norris Gene Wright and Sherry Lynn Wright, by and through their attorney of record, Robert H. Lutz, and respectfully move the Court pursuant to §362(c)(3)(B) of the Bankruptcy Act of 2005 for an Order continuing the automatic stay as to the Debtors as provided under §362(a). This request is being made as to all creditors in this case. In support of this motion the Debtors state as follows:

1. This case was commenced by the filing of a voluntary petition under Chapter 13 of the Bankruptcy Code with the clerk of this Court on May 17, 2016.
2. The Debtors had previously filed a Chapter 13 case on March 24, 2014, which was dismissed on May 4, 2016.
3. This case was dismissed because the Debtors was unable to make their plan payments.
4. The Debtors' Plan payments in the previous case were \$1416.00.
5. The Debtors have surrendered their interest in the 2013 Kia Soul to Regional Acceptance Corporation.
6. The Debtors pre-posed plan payments will be \$875.00 per month.
7. The male Debtor is no longer working.
8. The female Debtor is working fewer hours.
9. The petition in this case has been filed in good faith.
10. The Debtors believe that the Chapter 13 Plan they have submitted will be confirmed and they will be able to fully perform under the terms of the plan.

11. The Debtors' prior Chapter 13 case dismissed on May 4, 2016, was the only previous case by the Debtors that was pending during the preceding year.

12. The Debtors' prior Chapter 13 case was not dismissed because the Debtors failed to file or amend their petition or any required document, or to provide adequate protection ordered by the Court.

13. The Debtors' prior Chapter 13 case was not dismissed at a time when there had been a motion for relief that was pending before the Court or resolved with an order terminating, conditioning or limiting the stay.

WHEREFORE, the Debtors move the Court as follows:

1. This Court continue as to the Debtors the automatic stay under §362(a) as to all creditors for the duration of this Chapter 13 proceeding, or until such time as the stay is terminated under §362(c)(1) or (c)(2), or a motion for relief is granted under §362(d).

2. The stay in any event be deemed continued as to "all property of this estate" in bankruptcy.

3. The Debtors have such other and further relief as to the Court may be just and proper.

4. The attorney for the Debtors is also moving the Court for a non-base fee of \$350.00 plus expenses of \$50.00.

This the 8th day of June, 2016.

LUTZ LAW FIRM, PLLC

BY /s Robert H. Lutz
Robert H. Lutz
Attorney for Debtors
310-8 E. Graham Street
Shelby, NC 28150
Phone No: 704-600-6003
Fax No: 704-600-6004
State Bar No: NC 16375

CERTIFICATE OF SERVICE

This is to certify that I have this date served the following in the above named matter with a copy of the foregoing by placing a copy of same in the United States mail, postage paid, addressed to:

Mr. Steven G. Tate
Chapter 13 Trustee
212 Cooper Street
Statesville, NC 28677

(served electronically)

ALL CREDITORS LISTED ON THE ATTACHED MAILING MATRIX

This the 8th day of June, 2016.

LUTZ LAW FIRM, PLLC

BY /s Robert H. Lutz
Robert H. Lutz
Attorney for Debtors
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